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24

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,690	05/22/2001	Takayuki Sato	VN-0120US	4190
21874	7590	01/02/2004		
EDWARDS & ANGELL, LLP P.O. BOX 9169 BOSTON, MA 02209			EXAMINER SUN, XIUQIN	
			ART UNIT 2863	PAPER NUMBER

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,690

Applicant(s)

SATO, TAKAYUKI

Examiner

Xiuqin Sun

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-21 is/are rejected.
- 7) ☒ Claim(s) 6 and 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carleton (U.S. Pub. No. 20010044840 A1) in view of Chen et al. (U.S. Pat. No. 6434514).

Carleton teaches a network monitoring apparatus, method and computer program for displaying a state of a network and monitoring said network (see Abstract and Fig. 1), comprising: an interconnecting unit (Fig. 1 and section 49); and a receiving unit and module operable to receive information flowing along the interconnecting unit of said network (Fig. 1 and section 49); a setting unit and module operable to set information to be displayed (section 51, lines 2-9; section 56; section 58, lines 8-17; section 78; section 82; section 84 and section 87); and a display unit and module operable to display said information of said network at least in real time (Figs. 12-13 and 21-26; sections 84-87).

Carleton does not mention explicitly that: a setting unit and module operable to set a display condition that defines information to be displayed; a comparing unit and module operable to compare an amount of said received information with said display condition; and display said information of said network at least in real time based on a result of the comparison by said comparing unit and module.

Chen et al. teach: a setting unit and module operable to set a display condition that defines information to be displayed (Figs. 7-10; col. 6, lines 7-54 and col. 8-9, lines 58-15); a comparing unit and module operable to compare an amount of said received information with said display condition (Fig. 6; col. 5, lines 43-51; and col. 8, lines 48-57); and display said information of said network based on a result of the comparison by said comparing unit and module (Fig. 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teachings of Chen et al. in the Carleton system in order to provide an network monitoring and management system that can receive requests from the user and provide on-demand analytical reports of the network based on the user request (Chen et al., Abstract).

3. Claims 2-5, 8-12 and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carleton in view of Chen et al., as applied to claim 1, 7 and 13 above, and further in view of Shurmer et al. (U.S. Pat. No. 5974237).

Carleton and Chen et al. teach a network monitoring apparatus, method and computer program for displaying a state of a network and monitoring said network that includes the subject matter discussed above. Carleton and Chen et al. do not mention

explicitly: said setting unit/module further sets a receiving condition that defines information to be received, and said receiving unit/module receives said information of said network based on said receiving condition; said setting unit/module further sets an indication image corresponding to said display condition, and said display unit/module displays said information of said network based on said indication image; said receiving unit/module receives communication states of said plurality of connection ports from said interconnecting unit as said information of said network; said receiving unit/module receives the amount of communication at a connection port of said interconnecting unit from said interconnecting unit as said information of said network; a network communication device operable to notify said network monitoring apparatus of said state of said network.

Shurmer et al. teach a method and system for monitoring a communication network (see abstract and Fig. 4), including: a signal management layer (Figs. 4, 6, and Figs. 8-9) comprising a setting unit and module that sets a receiving condition that defines information to be received, and a receiving unit and module that receives said information of said network based on said receiving condition (col. 11, lines 12-18; col. 17, lines 52-67 and col. 18, lines 1-13); said setting unit and module further sets an indication image corresponding to said display condition, and said display unit and module displays said information of said network based on said indication image (col. 6, lines 42-56 and col. 16, lines 20-67); said receiving unit and module receives a communication state of an interconnecting unit that interconnects communication devices in said network from said interconnecting unit (Figs. 1 and 4; col. 5, lines 56-67;

col. 12, lines 11-34; col. 19, lines 18-39; col. 24, lines 17-67 and col. 25, lines 36-62); said receiving unit and module receives communication states of said plurality of connection ports from said interconnecting unit as said information of said network (col. 11, lines 12-28; col. 24, lines 17-67 and col. 25, lines 36-62); said receiving unit and module receives the amount of communication at a connection port of an interconnecting unit from said interconnecting unit as said information of said network (col. 24, lines 23-42). Shurmer et al. further teach a network communication device operable to notify a network monitoring apparatus of a state of said network (col. 17, lines 46-67; col. 18, lines 1-12 and lines 32-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teachings of Shurmer setting unit/module, receiving unit/module, and the means for notifying said monitoring apparatus of a state of said network in the Carleton and Chen et al. system in order to provide a more user-friendly method and system for monitoring a network which allows a user to easily identify individual network elements or conditions by creating a visual display on a visual display unit (Shurmer et al., col. 6, lines 41-56).

Allowable Subject Matter

4. Claims 22-25 are allowed.
5. Claims 6 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

The primary reasons for the allowance of claims 6 and 26 is the inclusion of the limitation that said comparing unit compares said communication amount at said connection port with said display condition. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reasons for the allowance of claims 22-25 is the inclusion of the limitation of a setting unit which sets a display condition and said display condition indicates a plurality of states of an interconnecting unit, said setting unit selecting at least one state from the plurality of states or rearranging an order of the plurality of states to define said information to be displayed. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

7. Applicant's arguments filed 10/23/20003 with respect to claims 1-21 have been

Art Unit: 2863

considered but are moot in view of the new ground(s) of rejection.

Claims 1-5, 7-21 are rejected as new art (U.S. Pat. No. 6434514 to Chen et al.) has been found to teach the limitation of a setting unit and module operable to set a display condition that defines information to be displayed, and a comparing unit and module operable to compare an amount of the received information with the user-defined display condition. For detailed response, please refer to section 2 set forth above in this office action.

Prior Art Citations

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- 1) Branton et al. (U.S. Pat. No. 5870558) disclose a GUI for network management.
- 2) Jacobs (U.S. Pat. No. 5761502) disclose a system and method for managing a telecommunications network by associating and correlating network events.
- 3) Barroux (U.S. Pat. No. 6220768) disclose a network asset survey tool for gathering data about node equipment.
- 4) Lane (U.S. Pat. No. 5437009) disclose a method and system for displaying status information o communication networks.

Art Unit: 2863

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (703)305-3467. The examiner can normally be reached on 7:00am-4:30pm.

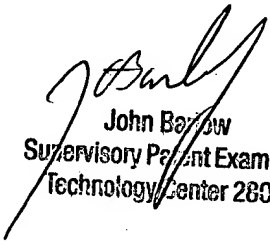
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (703)308-3126. The fax phone number for the organization where this application or proceeding is assigned is (703)308-5841.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Xiuqin Sun
Examiner
Art Unit 2863

XS

XS
December 29, 2003


John Barlow
Supervisory Patent Examiner
Technology Center 2800